REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed December 11, 2007. Claims 1-21 are currently pending and rejected.

Applicants' representative, Wan Yee Cheung, thanks Examiner Brown for extending his courtesy for a telephone discussion on February 5, 2008, during which Examiner Brown clarified that col. 11, lines 10-20 of Ellis was meant to be cited on page 4 of the Office Action as relating to the demand-casting feature of claim 1.

In view of the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103, and thus, all of these claims are now in allowable form.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

Claim Rejections under §103

Claims 1-2, 6-13 and 16-20

The Office Action rejected claims 1-2, 6-13 and 16-20 as being unpatentable over Coleman (U.S. Patent No. 5,844,620, hereinafter "Coleman") in view of Ellis (U.S. Patent No. 7,065,709, hereinafter "Ellis").

Independent claim 1 has been amended to further clarify Applicants' invention, and recites, in part:

> "receiving, by the head-end from a terminal, a request message for a requested IPG page, the requested IPG page not being one of the transmitted IPG pages;
>
> encoding, by the head-end, only a guide portion of the requested IPG page using a temporal slice persistence encoding scheme, the requested IPG page including the guide portion and a background portion;
>
> assigning, by the head-end, a particular packet identifier (PID) to the encoded guide portion; and

demand-casting, by the head-end to the terminal, the encoded guide portion a limited number of times in a non-continual manner in response to receiving the request message."

The amended claim 1 of demand-casting in a non-continual manner finds support in the original specification, e.g., at least on pages 36-37. For example, the specification teaches that "[s]ending the requested guide portion a limited number of times for each viewer request can greatly reduce the load for demand-cast" (p. 36, lines 7-8). By contrast, "[c]ontinual transmission of the requested guide portion may overload the capacity of the distribution system to a point where it may experience blockage ..., which is a highly undesirable condition" (p. 36, lines 17-20).

Thus, it is clear from the context of the above sections that demand-casting a limited number of times also means demand-casting in a non-continual manner. Further support can be found on p. 37, lines 3-5 and lines 13-17 of the specification. As such, no new matter is added in the amended claim 1.

The Examiner cited Coleman's col. 4, lines 40-50 and col. 18, lines 10-40 for teaching IPG pages being transmitted to viewers as demand data, such that each IPG page has its own PID for its packet stream (see page 3, Office Action).

In connection with the demand data stream for communicating future schedule information, Coleman specifically teaches that "[t]he demand data is cyclically and continuously provided in a high speed data stream" (col. 18, lines 17-18; emphasis added).

By contrast, Applicants' invention provides that the encoded guide portion of the requested IPG page is demand-casted a limited number of times in a non-continual manner. As such, Coleman clearly teaches away from Applicants' invention, as provided in the amended claim 1.

Since all that Ellis teaches, in the cited section of col. 11, lines 10-20, is that the program guide client may issue one or more requests to program guide server for program listings that are not already cached in memory, and the program guide server may retrieve the data on storage device and provide the data to the client,

there is also no teaching of demand-casting in a non-continual manner, as provided in Applicants' amended claim 1.

As such, the combined teaching of Coleman and Ellis fails to teach or suggest at least this feature in claim 1 relating to demand-casting in a non-continual manner.

The Examiner stated that Coleman does not explicitly teach that a request is received from a terminal. Thus, Ellis' col. 6, lines 4-67 and col. 11, lines 10-21 were cited for allegedly teaching that IPG pages may be transmitted to a subscriber upon request from the subscriber if a requested page is not already loaded at the receiver.

The Examiner further acknowledged that Coleman does not explicitly discuss the breakdown as "guide portion" and "background portion", and cited Ellis' program guide data as corresponding to the Applicants' guide portion in claim 1.

Applicants respectfully disagree with such an interpretation of Ellis.

Specifically, col. 6, lines 4-67 of Ellis is directed primarily towards the equipment and communication protocol for providing program guide data from a TV distribution facility to a user's television equipment. Although Ellis teaches that each program guide server "stores the program guide data provided by the main facility and provides access to the program guide data to program guide clients implemented on the user television equipment" (col. 2, lines 16-19; emphasis added), there is no teaching of any specifics as to how a requested IPG page is provided to the user's terminal.

Furthermore, Ellis teaches, in col. 6, lines 4-10, that "program guide server 25 may retrieve program guide data or video files from storage device 56 in response to program guide data or video requests generated by an interactive television program guide client implemented on user television equipment 22" (emphasis added). That is, Ellis teaches that the server retrieves the guide data as requested by the user.

This is different from Applicants' invention, in which only a portion of the requested information is encoded and demand-casted to the requesting terminal.

Specifically, Applicants' claim 1 recites: "encoding, by the head-end, only a guide portion of the requested IPG page using a temporal slice persistence encoding

scheme, the requested IPG page including the guide portion and a background portion."

Thus, unlike Ellis' teaching of retrieving guide data as requested by the user, Applicants' invention does not encode and send all that is requested by a terminal. Instead, only a portion of the requested information, i.e., the guide portion of the requested page, is encoded and sent via demand-cast to the requesting terminal.

Since Ellis does not teach providing a requested IPG page to the requesting terminal in the specific manner recited in Applicants' claim 1, namely, "encoding, by the head-end, only a guide portion of the requested IPG page using a temporal slice persistence encoding scheme, the requested IPG page including the guide portion and a background portion" and "demand-casting, by the head-end to the terminal, the encoded guide portion a limited number of times in response to receiving the request message", the combined teaching of Coleman and Ellis still would not have resulted in Applicants' claim 1.

Therefore, independent claim 1 is patentable over the combination of Coleman and Ellis under §103.

Independent claim 13 has been amended to further recite demand-casting in a non-continual manner. Claim 13 also recites features similar to claim 1 such as receiving a guide portion of the requested IPG page, which includes the guide portion and a background portion. For reasons similar to those discussed above in connection with claim 1, claim 13 is also patentable over the combined teaching of Coleman and Ellis.

Independent claim 19 has been amended to further recite that the requested IPG page includes the guide portion and a background portion. Claim 19 also recites that the video encoder is operative to encode the guide portion of the requested IPG page. For at least similar reasons as discussed above, independent claim 19 is also patentable over the combination of Coleman and Ellis under §103.

The remaining claims depend, directly or indirectly, from independent claims 1, 13 or 19, and thus, inherit the patentable subject matter of independent claims 1,

13 or 19, while adding or further defining elements. Therefore, the remaining claims also are patentable over the combination of Coleman and Ellis under §103.

Applicants respectfully request that the rejection be withdrawn.

Claims 3-5, 14-15 and 21

The Office Action rejected claims 3-5, 14-15, and 21 as being unpatentable over Coleman and Ellis in view U.S. Patent No. 3,754,211 to Rocher (hereinafter "Rocher").

Claims 3-5, 14-25 and 21 depend, respectively, from independent claims 1, 13 or 19, and recite additional limitations thereof. For at least the reasons discussed above, the combination of Coleman and Ellis fails to teach or suggest Applicants' invention as recited in independent claims 1, 13 and 19.

Rocher is cited for teaching the sending of an acknowledgement signal to acknowledge receipt of a data transmission.

Since there is no argument put forth in the Office Action that Rocher teaches those features that are missing in Coleman and Ellis, e.g., at least "encoding, by the head-end, only a guide portion of the requested IPG page using a temporal slice persistence encoding scheme, the requested IPG page including the guide portion and a background portion", the combined teaching of Coleman, Ellis and Rocher still would not have resulted in Applicants' claimed invention.

As such, Applicants submit that dependent claims 3-5, 14-15 and 21 are patentable under 35 U.S.C. §103 over the combination of Coleman, Ellis and Rocher.

Applicants respectfully request that the rejection over Coleman and Ellis in view of Rocher be withdrawn.

SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and passage of the claims to allowance. If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808